

JUN 27 2002

RECEIVED 1625

COPY OF PAPERS  
ORIGINALLY FILED

JUL 02 2002

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: June 21, 2002 Signature:

*Eileen Sheffield*  
(Eileen Sheffield)

TECH CENTER 1600/2900

Docket No.: NY-HUBR 1203.2-  
CONT-US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Norbert Hofgen, et al.

Application No.: 10/081,642

Group Art Unit: 1625

Filed: February 21, 2002

Examiner: J. T. Fan

For: HYDROXYINDOLES, THEIR USE AS  
INHIBITORS OF PHOSPHODIESTERASE  
AND PROCESS FOR THEIR  
PREPARATION.

4/Electson  
w/traverse  
Cfm  
6-21-02

Bet  
9-7-02

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Responsive to the restriction requirement mailed May 23, 2002, Applicants elect to prosecute the claims of Group I: (claims 1 to 4, 19 and 20, all in part,) directed to indole-pyridyl derivatives, with traverse.

The compounds of group II have also a joint feature with respect to the whole inventive concept of the subject matter, i.e., the presence of a halogen substituted aromatic ring at position R<sup>5</sup>. Such halogen substituted aromatic rings (either phenyl or pyridine rings) in combination with the OH-group at the indole ring are not known from the status of the art. In this respect, there is an inventive concept between groups I and II.

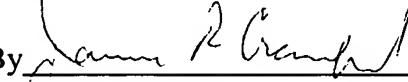
Applicants also elect N-(3,5-dichloroyridin-4-yl)-2-[1-(*l*-fluorobenzyl)-5-hydroxyindol-3-yl]-2-oxoacetamide to satisfy the species election requirement.

Application No.: 10/081,642

The Commissioner is hereby authorized to charge any necessary fees which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR 1202.2-CONT-US.

Dated: June 21, 2002

Respectfully submitted,

By 

James R. Crawford

Registration No.: 39,155  
FULBRIGHT & JAWORSKI L.L.P.  
666 Fifth Avenue  
New York, New York 10103  
(212) 318-3000  
(212) 318-3400 (Fax)  
Attorneys for Applicant